

E-Filed 10/30/2006

NOT FOR CITATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CHAD RHODES,

Petitioner,

V.

ROBERT KIRKLAND

Respondent.

Case Number C 06-5252 JF

**ORDER¹ AMENDING ORDER FILED
OCTOBER 24, 2006**

[re: docket no. 19]

On October 24, 2006, the Court filed an order granting Petitioner leave to proceed *in forma pauperis* and denying his request for appointment of counsel. At that time, the Court stated that the total filing fee ultimately due would be \$150.00. However, because this is a habeas petition, Petitioner is not required to pay more than the initial filing fee of \$5.00. *Naddi v. Hill*, 106 F.3d 275, 277 (9th Cir. 1997). Petitioner has already paid the initial filing fee. Therefore, Petitioner need pay no additional filing fees in this matter. A copy of this Order will be sent to the prison trust account office.

¹ This disposition is not designated for publication and may not be cited.

1 IT IS SO ORDERED.
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3 DATED: October 30, 2006.

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6 JEREMY FOGEL
7 United States District Judge
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A handwritten signature in blue ink, appearing to read "JEREMY FOGEL", is written over a horizontal line. Below the line, the text "United States District Judge" is printed in a standard font.

1 This Order has been served upon the following persons:

2 Allen Robert Crown allen.crown@doj.ca.gov, ecfcoordinator@doj.ca.gov;
3 docketingsfawt@doj.ca.gov; delia.desuyo@doj.ca.gov;
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